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By:

Cristina Blanco Fernandez

Date:

January 14, 2005

MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Patent Application of Cristina Blanco Fernandez, et al.	: Group Art Unit: 1621 : : :
Conf. No.:	8298	: : :
Appln. No.	10/799,909	: Examiner: Peter G. O'Sullivan : :
Filed:	February 10, 2003	: Attorney Docket : :
For:	PROCESS FOR THE SEPARATION OF R(-)- AND S(+)-5-[2-[[2-(2- ETHOXYPHENOXY)ETHYL]AMINO] PROPYL]-2- METHOXYBENZENESULFONAMIDE	: No.: 9256-23US (003/PCT/05-V) : : : :

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated December 14, 2004 (Paper No. 12122004) in the above-identified patent application.

The Examiner has required restriction between claims 1-21, directed to a process for separating enantiomers and a diastereoisomeric salt (Group I) and claims 22-27, directed to certain compounds and a process for obtaining the compound and for determining optical purity (Group II). The Examiner contends that the inventions are distinct because the two sets of compounds are so structurally disparate that a reference anticipating one set of compounds would not necessarily render the other set obvious. Also, Applicants' process for determining optical purity utilizes disparate chemical reactions with different functional groups.

Provisional Election

Applicants provisionally elect Group I (claims 1-21), without traverse, for initial examination in this application. Applicants reserve the right to file a divisional application directed to the subject matter of Group II (claims 22-27).

Application No. 10/799,909
Reply to Office Action of December 14, 2004

The Examiner's attention is respectfully directed to the Information Disclosure Statement submitted herewith, enclosing the International Search Report in the counterpart PCT application.

An early examination and allowance of the application are respectfully solicited.

Respectfully submitted,

Cristina Blanco Fernandez, et al.

January 14, 2005
(Date)

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Enclosure – Information Disclosure Statement